

GAHC010249682024



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB/3101/2024

ABDUL SALAM
S/O LATE RAHIM,
R/O VILL- DEWAGURI
P.S. LAHARIGHAT,
DIST. MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR J C BORAH,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 12.12.2024

Heard Mr. JC Borah, learned counsel appearing for the petitioner and Mr. RR Kaushik, learned Additional Public Prosecutor for the state of Assam.

2. This is an application under Section 482 of the BNSS, 2023 praying for grant of

pre-arrest bail in respect of Laharighat P.S. Case No. 217/2024.

3. One married lady has lodged a complaint before the court of the learned Chief Judicial Magistrate, Morigaon, wherein she has alleged that on 26.03.2024 at about 10 PM, while her husband was not available in the house, the present petitioner armed with a sharp weapon in his hand entered into her house and committed rape on her. She informed her family members and other villagers. The villagers tried to solve the dispute, but they did not do anything. Thereafter, the said lady lodged an FIR before police and police also did not register her case nor did anything to support her. Finally she lodged a complaint in the court, which was transferred to police to register a case and the case was registered.

4. In her statement recorded u/s 183 of the BNS, 2023 as well as in her statement before police, she has supported the case, but the CD reveals that this woman has the habit of filing this type of cases against different persons..

5. I have considered the submissions made by the learned counsels of both sides.

6. The bail application of the petitioner is allowed.

7. It is hereby directed that in the event of arrest of the petitioner in connection with Laharighat P.S. Case No. 217/2024 the petitioner, Abdul Salam, son of Late Rahim shall be released on bail of Rs.20,000/- with a surety of like amount to the satisfaction of the arresting authority.

8. The bail application stands disposed of.

CD shall be returned.

JUDGE

Comparing Assistant